

## REMARKS

In response to the Non-Final Office action dated May 31, 2007, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1, 2 and 5-9 are pending in the present Application. Claims 1, 5-9 are amended, and Claims 10 and 11 are added, leaving Claims 1, 2 and 5-11 for consideration upon entry of the present amendments and following remarks.

Support for the claim amendments is found in the specification, the figures, and the claims as originally filed. Particularly, support for amended Claims 1 and 9 is at least found in originally filed specification at Page 3, lines 17 and 18, Page 4, lines 6-8 and lines 16-18, Page 6, lines 23-26, Page 10, lines 23-27 and Page 11, lines 22-24. Support for new Claims 10 and 11 is at least found in Claim 1.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

### Claim Rejections Under 35 U.S.C. §103

The Examiner has rejected Claims 1, 2 and 5-9 under 35 U.S.C. §103(a) as being unpatentable over Kitagawa et al., U.S. Patent Publication No. 2002/0054262 (hereinafter “Kitagawa”). Applicants respectfully traverse the rejections.

Amended Claims 1 and 9 recite, *inter alia*,

“a protecting part disposed on an outer surface of the image display part perceived by user’s eye for protecting a surface of the image display part from an external shock or foreign matters, *the protecting part having a hardness of at least 2H so as to resist the external shock, and having a corrosion resistance so as to be cleaned by water or cleanser.*”

In the Office action at Page 2, layer 12 of Kitagawa is considered as disclosing the “protecting part” of the claimed invention.

Applicants respectfully submit that Kitagawa does not teach or suggest the protecting part having a hardness of at least 2H so as to resist the external shock, and having a corrosion resistance so as to be cleaned by water or cleanser of amended Claims 1 and 9.

Therefore, Kitagawa does not disclose or teach all of the limitations of amended Claims 1 and 9. Accordingly, *prime facie* obviousness does not exist regarding amended Claims 1 and 9.

Additionally, regarding Claims 7 and 8 in the Final Office action at Page 3, it is alleged that Kitagawa discloses the flat panel display comprising a phase compensating member (see Col. 5, [0055]-[0057]) for *inherently* enhancing viewing angle or preventing light leakage at an end portion of the liquid crystal display. Applicants respectfully disagree.

Firstly, at paragraphs [0055]-[0057] of Kitagawa, layers and plate are described as being bonded to a polarizing film for the purpose of preventing occurrence of variation in quality or improving the efficiency of assembly the liquid crystal display, or the like purpose. Contrary to the allegations in the Office action, Kitawaga does not teach or suggest a layer or plate for the purpose of “enhancing viewing angle” or “preventing light leakage at an edge portion of the liquid crystal display panel” as claimed.

Secondly, the theory of inherency is normally reserved for rejections under 35 U.S.C. § 102. *In re Grasseli*, 318 U.S.P.Q. 303 (Fed. Cir. 1983).

Applicants disagree with the Examiner’s assertion that “**inherently**, the layers and plates described in Kitagawa enhance viewing angle and prevent light leakage at an edge portion of the liquid crystal display panel, as claimed.

“To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is **necessarily present** (emphasis added) in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.’ ” *In re Robertson*, 169 F. 3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). In order to support a rejection based on inherency, an Examiner must provide factual and technical grounds establishing that **the inherent feature necessarily flows from the teachings of the prior art.**(Emphasis added) *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int. 1990); *In re Oelrich*, 666 F.2d 578, 581, 212 U.S.P.Q. 323, 326 (C.C.P.A. 1981) (holding that inherency must flow as a necessary conclusion from the prior art, not simply a possible one). The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed.Cir. 1993).

Applicants submit that the Examiner has not made a *prima facie* case of obviousness of Claims 7 and 8 based on the allegation of inherency. The Examiner has not shown that the relied upon layers and plates described in Kitagawa at paragraphs [0055]-[0057] are “necessarily” configured to “enhance viewing angle and prevent light leakage at an edge portion of the liquid crystal display panel,” as claimed.

Furthermore, the Examiner has not shown technical and factual grounds for establishing that relied upon layers and plates described in Kitagawa are *inherently* “enhance viewing angle and prevent light leakage at an edge portion of the liquid crystal display panel.” In other words, the Examiner has not shown that the relied upon layers and plates **must** be configured to satisfy Applicant’s claims.

Therefore, since it has not been sufficiently shown that Kitagawa *inherently* teaches or suggests elements of Claims 7 and 8, *prime facie* obviousness further does not exist regarding Applicant’s claims, particularly Claims 7 and 8.

Thus, for all the reasons discussed above, *prime facie* obviousness does not exist regarding amended Claims 1 and 9, and Claims 7 and 8 with respect to Kitagawa. Applicants respectfully submit that Claims 1 and 7-9 are not further rejected or objected, and are therefore allowable. Claims 2, 5 and 6 variously depend from Claim 1 are and correspondingly allowable. Entry of the claim amendments, reconsideration, withdrawal of the relevant §103 rejections and allowance of Claims 1, 2, 5-9 are respectfully requested.

### **Conclusion**

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued.

Application No. 10/520,262  
Response dated: September 28, 2007  
Reply to Non-Final Office dated May 31, 2007

If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

Applicants hereby petition for any necessary extension of time required under 37 C.F.R. 1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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